

STEP ONE: Joint Motion submitted to District Court

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF _____

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JOINT MOTION
UNDER RULE 60(b)

The parties jointly move, pursuant to Fed. R. Civ. P. 60(b), as contemplated in First National Bank of Salem, Ohio v. Hirsch, 535 F. 2d 343, (6th Cir. 1976), for relief from this Court's judgment of _____, 200_.

While on appeal, and pursuant to discussions under Rule 33, Rules of the Sixth Circuit, the parties have reached an agreement to settle this matter. One of the terms of this agreement is ...[specify the term of the agreement].

In order to make this settlement possible, therefore, the parties respectfully request this court to ...[specify the Dist. Court action being requested]. Further, the parties request this Court to indicate its willingness to grant this motion by entry of the attached order saying it is "disposed to grant the motion" if the Court of Appeals remands the case(s) for that purpose. 535 F.2d at 346.

Respectfully submitted,

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF _____

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ORDER

This matter came to be heard upon the joint motion of the parties pursuant to Fed. R. Cir P. 60(b), as contemplated in First National Bank of Salem, Ohio v. Hirsch, 535 F.2d 343 (6th Cir. 1976), asking this Court to[specify the Dist. Court action being requested].

Considering the parties desire to settle and the entire record, the Court is of the opinion, and so finds, that should the case be remanded to it by the Court of Appeals for the Sixth Circuit, this Court is inclined to grant the relief requested.

IT IS, THEREFORE, ORDERED BY THE COURT that if this case is remanded to the District court by the Court of Appeals, this court is disposed to grant the parties' 60(b) motion.

ENTERED this _____ day of _____, 200__.

JUDGE

STEP TWO: Joint remand motion to be filed in Circuit Court with District Court Order attached.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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JOINT MOTION TO REMAND

The parties jointly move, pursuant to First National Bank of Salem, Ohio v. Hirsch, 535 F.2d 343 (6th Cir. 1976), to remand this case to the United States District Court for the _____ District of _____ for determination of the parties' joint motion under Fed. R. Civ. P. 60(b).

While on appeal and pursuant to discussions under Rule 33, Rules of the Sixth Circuit, the parties reached an agreement to settle this matter. One of the terms of this agreement was...[specify the term of the agreement]. In order to make this settlement possible, the parties jointly filed a Rule 60(b) motion requesting the District court to ...[specify the Dist. Court action being requested].

The District Court has indicated its disposition to grant the parties' motion if this Court remands this case. A copy of that Order is attached.

Wherefore, we respectfully ask the Court to remand this case to the U.S. District Court for the reasons specified.

Respectfully submitted,

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ORDER

In accordance with the agreement reached between the parties pursuant to Rule 33 (d) Rules of the Sixth Circuit, the parties have jointly moved to remand this case to the United States District Court for the _____ District of _____ for determination of the parties' joint motion filed pursuant to Fed. R. Civ. P. 60(b).

Upon consideration of the motion and further considering the District Court's order of _____, 200_,

IT IS ORDERED that the motion be and is hereby granted. This appeal(s) is remanded to the District Court for further proceedings. See First National Bank of Salem, Ohio v. Hirsch, 535 F. 2d 343 (6th Cir. 1976).

ENTERED PURSUANT TO RULE 33 (d)

RULES OF THE SIXTH CIRCUIT

Leonard Green, Clerk